

File No. 1055D

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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In re application of: )  
)  
DAVID STERN et al ) Examiner: Edward Raymond  
)  
Serial No. 10/828,613 ) Art Unit: 2857  
)  
) Response to Office Action  
Filed : APRIL 21, 2004 ) Dated December 9, 2004, And  
) Request for Declaration of Interference  
) with a Patent under 37 CFR §41.202-  
) Expedited Handling  
For: METHODS AND APPARATUS )  
FOR DETECTION OF FLUORESCENTLY )  
LABELED MATERIALS )  
COMMISSIONER OF PATENTS  
Alexandria, VA 22313

Sir:

This paper is in response to the Office Action dated December 9, 2004 setting a one-month period to identify the support for claims copied from a U.S. patent, U.S. Patent No. 6,591,196. This paper furthermore identifies support for the claims copied from a U.S. Patent, U.S. Patent No. 6,768,820. These copied claims are presented in the Amendment concurrently filed herewith. Therefore, this paper identifies the support and provides other formalities required to declare an interference between the present application and the two patents.

REMARKS**I. Overview**

Applicants hereby request an interference between Applicants' USSN 10/828,613 and United States Patent Nos. 6,591,196 ("the '196 patent") and 6,768,820 ("the '820 patent") which issued to Yakhini *et al.* on July 8, 2003 and July 27, 2004, respectively. To facilitate consideration of this request, Applicants attach a proposed PTO-850 "Interference Initial Memorandum" outlining the suggested interference.